

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Nexus Communications, Inc.
Designated Eligible Carrier
Application

Case No. PU-13-98

ORDER GRANTING TRADE SECRET PROTECTION

August 20, 2014

On August 15, 2013 and September 27, 2013, Nexus Communications, Inc. (Nexus) filed applications for trade secret protection in the captioned case, under North Dakota Administrative Code Chapter 69-02-09, asking the Public Service Commission (Commission) to protect against public disclosure certain information filed in support of Nexus' application for designation as an eligible telecommunications carrier.

On March 28, 2014, Staff filed Staff Response to Nexus' Requests for Trade Secret Protection.

Nexus asked that the Commission protect from disclosure a proprietary process by which Nexus identifies duplicate Lifeline accounts in an effort to minimize waste, fraud and abuse.

North Dakota Century Code § 47-25.1-01 authorizes protection for trade secret information if the information includes a formula, pattern, compilation, program, device, method, technique or process that derives independent economic value from not being generally known to and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use; and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. N.D.C.C. §47-25.1-01(4).

North Dakota Administrative Code § 69-02-09-04 requires that the Commission staff examine the information and applications and make a recommendation to the Commission. Staff has reviewed the request of Nexus for protection of information. Staff believes that the application of Nexus satisfies the requirements of the North Dakota Century Code for protection of the information which is the subject of this request. Specifically, it is Staff's opinion that the protected information derives independent economic value from not being generally known and that other persons could obtain economic value from its disclosure. The Commission's process provides a means for interested parties to review protected documents upon signing a nondisclosure agreement.

Order

The Commission orders Nexus Communications, Inc.'s application for trade secret protection granted.

PUBLIC SERVICE COMMISSION



Randy Christmann
Commissioner



Brian P. Kalk
Chairman



Julie Fedorchak
Commissioner